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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,671	08/07/2000	BILLY G. MOON	062891.0415	4021

7590 07/08/2004

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EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/632,671

Applicant(s)

MOON, BILLY G.

Examiner

Kenny Lin

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: the rejection was deem proper, see other sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-31.Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see other sheet


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Response to Arguments

1. In the remark, applicant argued (1), Kweon fails to disclose “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.” (2), Applicant disagrees with the obvious/Official Notice statement stated by the examiner in respect to extract the received PPP data that was encapsulated. (3), Applicant disagrees with the obvious/Official Notice statement stated by the examiner in respect to extract the PPP data from the acknowledgement.

2. Examiner respectfully traverse the argument:

As to point (1), Examiner has already addressed this issue in the previous office action. Kweon clearly stated in the abstract that “The data terminal transmits the fax image data encapsulated by the upper layer protocols to the mobile terminal” and defined that the upper layer protocol including PPP (col.3, lines 65-67, col.4, lines 1-4, col.4, lines 20-30, col.5, lines 18-27). Kweon also disclosed that the data transmission is fax transmission (col.4, lines 58-64, col.5, lines 46-49, col.6, lines 11-15). It is known to one of ordinary skill in the art that data encapsulated by the point-to-point protocol is PPP data. The PPP data encapsulated (fax image data encapsulated by the PPP) by the PPP module (upper layer protocol, PPP) also functions as a payload of a fax image data that can be transmitted by the data terminal (abstract).

As to points (2) and (3), Examiner has stated these two obvious stated in the Non-Final Office Action, dated 10/27/2003, and restated the same rejection in the Final Office Action, dated 3/29/2004. Examiner further provided reference Galuszka et al, US

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5,301,186, published on April 5, 1994, but filed on June 28, 1991 in supporting the teaching of extracting a portion of information from acknowledgements (col.5, lines 62-67) in the previous office action. Applicants should have raised these issues prior to the Office action made FINAL. Furthermore, as to point (2), because Applicants have failed to challenge this Examiner's "Official Notices/Obvious statements" stated in the previous office actions in a proper, reasonably and timely manner, they have been considered as admitted prior art. See MPEP 2144.03.



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